

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DAVID R. MENDOZA,  
  
Defendant.

No. CR06-0466 TSZ

STIPULATED MOTION TO  
CONTINUE SENTENCING  
HEARING

NOTE ON MOTION CALENDAR:  
August 21, 2009

COMES NOW Defendant David R. Mendoza, by and through his attorneys, Colette Tvedt and Jeffery P. Robinson of Schroeter, Goldmark & Bender, and submits this stipulated motion to continue sentencing from September 24, 2009, at 1:30 p.m., to October 30, 2009, at 1:30 p.m.

Counsel for Plaintiff United States of America, Susan Roe and Roger Rogoff, agree with this motion. Additionally, United States Probation Officer Sara Moore has no objection to the requested continuance.

1 On June 19, 2009, Mr. Mendoza entered into a plea agreement with the Government  
2 (see Dkt. No. 39) and the Court set his sentencing for September 24, 2009 (see Dkt. 40). Due  
3 to numerous scheduling conflicts, the defense needs a one-month continuance to complete  
4 the presentence interview, review the draft presentence report, provide any objections,  
5 prepare a sentencing memorandum, and effectively prepare for sentencing.  
6

7 In particular, Ms. Tvedt is involved in a shooting case that is going to trial in King  
8 County Superior Court and that trial date was recently continued to September 30, 2009  
9 (*State v. Phongmanivan*, King County Superior Court Cause No. 08-1-12331-2 SEA).  
10 Because she will be out of the country from September 9 through September 15, Ms. Tvedt  
11 will be entrenched in trial preparation and then will be in trial into early October 2009. Prior  
12 conflicts due to numerous witness interviews and motions before the King County Superior  
13 Court in the *Phongmanivan* matter required Ms. Tvedt to reschedule the Presentence  
14 Interview with U.S. Probation Officer Sara Moore. Also, Mr. Robinson leaves for  
15 Guantanamo Bay, Cuba, on September 18 and will not return to the office until September  
16 28, 2009, in order to attend a Military Commission hearing and meet with his client. Finally,  
17 Ms. Lee underwent a medical procedure on August 19, 2009, which will keep her out of the  
18 office for an undetermined amount of time but definitely several weeks.  
19

20 Defense counsel respectfully submits that failure to continue the sentencing date  
21 would deny Defendant and his counsel reasonable time necessary for effective preparation,  
22 and further submits that this continuance is necessary and in the interest of justice.  
23  
24  
25  
26

1 A proposed order is submitted with this motion.

2 DATED this 21st day of August, 2009.

3 Respectfully submitted,

4  
5 s/ Colette Tvedt

6 COLETTE TVEDT

7 Counsel for Defendant David R. Mendoza  
8 SCHROETER, GOLDMARK & BENDER  
9 810 Third Avenue, Suite 500  
10 Seattle, WA 98104  
11 Phone: (206) 622-8000  
12 Fax: (206) 682-2305  
13 Email: tvedt@sgb-law.com

14 CERTIFICATE OF SERVICE

15 I hereby certify that on August 21, 2009, I electronically filed the foregoing with the  
16 Clerk of the Court using the CM/ECF system which will send notification of such filing to  
17 the attorneys of record for the United States of America, Assistant United States Attorneys  
18 Susan Roe and Roger Rogoff. I further certify that I emailed the foregoing to United States  
19 Probation Officer Sara Moore.

20 s/ Andrea Crabtree

21 ANDREA CRABTREE

22 Paralegal

23 SCHROETER GOLDMARK & BENDER  
24 810 Third Avenue, Suite 500  
25 Seattle, WA 98104  
26 Phone: (206) 622-8000  
Fax: (206) 682-2305  
Email: crabtree@sgb-law.com